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Larry M. Weil, Planning and Community Development Director
Tim Solberg, Senior Planner
Lisa Sankey, Assistant Planner

West Fargo Planning and Zoning Commission
August 8, 2016 at 7:00 P.M.
West Fargo City Hall

Members Present: Jim Brownlee
 Scott Diamond
 Shane LeBahn
 Joe Kolb
 Tom McDougall
 Jana Reinke

Members Absent: David Gust, Leroy Johnson

Others Present: Lisa Sankey, Tim Solberg, Dustin Scott, Matt Welle, Mike Thorstad, Justin Forde, Carrie Scarr, Mark Lemer, Lee Dobrinz, Joe Williams, Trevor Deyo

The meeting was called to order by Chair McDougall.

Commissioner Brownlee made a motion to approve the July 11, 2016 meeting minutes as written. Commissioner Diamond seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-36 Sheyenne Plaza 1st Addition, replat of Lots 1-8, Block 7 of Francis 2nd Subdivision, and portion of the publicly dedicated alley west of said lots, City of West Fargo, North Dakota and variance from Ordinance Requirement 4-0406.3 allowing a reduction in alleyway from 25' for commercial or industrial alleys to 17' for commercial or industrial alleys.

Tim reviewed the following:

After consideration by the Planning & Zoning Commission, the building has been shifted to the west 3' to accommodate some difficulties with the sidewalk grade. This has caused the plat to also shift 3' into the adjacent alley and will include a partial vacation of the alleyway. The newly proposed alleyway would be narrower than City code would allow; however, it is proposed to be a one-way for access to the existing properties to the west and for underground residential parking and employee parking for the applicant which staff has supported. This may require consideration of a variance to allow the reduced alley width. The benefit to this all is that the sidewalk width in front of the building along Sheyenne Street has been increased by 3' as well. This changes the plat and required its consideration to be re-advertised.

For consideration of a variance, the Planning and Zoning Commission is to hold a public hearing and review and consider the findings of the request based on the following conditions:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - The development of the structure on the narrow lots does not allow for adequate sidewalk grade or width. By moving the building west 3', the design of the sidewalk is at an acceptable grade and the width is increased for more desirable downtown walkability as expressed by the Downtown Design Review Committee.
- b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - The development of this site is unique as it is a redevelopment of an existing developed property with limited land available. Rather than purchasing land to the west, the site can be more efficiently developed by approval of a variance to the required alley width.

- c. That the special conditions and circumstances do not result from the actions of the applicant;
 - The uniqueness of the redevelopment site is a result of past development and the desire to not encroach upon the existing development to the west.
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - In similar redevelopment projects in the City's downtown, it would be reasonable to confer upon others the same privilege where it is considered acceptable by City Engineer, Public Works Director, Police Chief, Fire Chief, and Planning Director to allow a one-way alley.

Staff is of the belief the findings would justify approval of a variance; therefore, it is recommended the City approve it on the basis the findings of staff provide for consistency with City plans and ordinances with recommended conditions of approval as follows:

1. The alley be changed to allow for one-way traffic only and that signage be provided in coordination with the City Public Works Director.

There were no comments from the public. The hearing was closed.

Commissioner Kolb asked if property owners were notified. Tim stated yes. There were no comments. Previously there was only one comment from the property owner to the southwest who has no issues with the one-way alley.

Chair McDougall asked for clarification regarding the variance criteria. Generally speaking, a developer would be told to make the building smaller. Why is this different from anyone else? Tim indicated the Sheyenne Overlay District, Downtown Framework Study and pressure to reinvigorate this area... It would be approved for anyone in this district. The alternative would be to decrease the building size or buy out buildings to the west to provide for a wider sidewalk. He stated the City Commission, acting as the Board of Adjustments will be reviewing this more closely.

Commissioner Diamond stated similar concerns; however, the downtown area is unique and this meets the 4 parts of variance conditions.

Chair McDougall asked about the property on the north side. Tim indicated it would be a public park. Commissioner Reinke asked about a future project to the north. Tim reviewed the area and access.

Commissioner Kolb made a motion for approval based on staff recommendations. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-40 Conditional Use Permit for a modified sign development plan at 3139 Bluestem Drive (Lot 1, Block 2 of South Pond at the Preserve 6th Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

The City Sign Regulations (4-460) provide for an allotment of sign square footage which may not exceed 2 square feet for every 1 foot of lot frontage. This allotment is based on the linear lot frontage on a public street. On corner lots, the longer frontage may be used for the allotment. The property in question is not a corner lot, but is a lot with double frontage. The sign code does not speak to this situation, so staff interpretation has been to choose the larger of the two frontages.

The property in question was therefore granted 335.74 square feet based on the larger frontage of 167.87'. Under 4-460.9.2.c, parcels which are unusual in dimensions (large parcels with limited frontage) may have a modified sign development plan considered as a conditional use, particularly if the property is intended to be developed with multi-tenants building(s) and the allowable signage is very limited.

The property in question fronts Veteran's Blvd, however has parking and entrances off Bluestem Dr. The building is a multi-tenant building with space for 5 tenants. Signs that front Veteran's Blvd. cannot be seen from Bluestem Dr., and signs that front Bluestem Dr. cannot be seen from Veteran's Blvd. The applicant is requesting frontage for Bluestem Dr. be used to determine the allotment for signs on the west elevation fronting Bluestem, and for the frontage on Veteran's Blvd. to be used to determine the allotment for signs on the north and west elevations that front Veteran's.

The current sign permits for the anchor tenant and owner of the building noted the requirement to put together a multi-tenant sign plan; however, these notes were not relayed to the owner. Subsequent sign requests have brought concern they would not have an adequate allotment of square footage for all tenants where they wish to have one sign per frontage. The applicant wishes to be able to have one sign per frontage for each tenant. The signs proposed and permitted are all under the maximum allowed individual sign area and do not appear to be excessive.

There are very few properties in the City where sign allotment is a problem. Most properties have far more signage allotted to them than they request. Multi-tenant properties with limited frontage are the only properties where sign allotment is limited and have been found to be the only exception for which the modified sign development plan appears justified. The property in question is unique in that they have frontage on an Arterial roadway with no access. Their primary means of access is on a local road that serves a burgeoning commercial center and they wish to provide signage to capitalize on this while utilizing the exposure they have on the arterial. The building design was intended for this and is an attractive addition to the corridor.

With reference to the criteria for granting conditional uses, no concerns were noted. Property owners within 350' were notified and no comments were received.

It is recommended that the City approve the proposed application on the basis it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Signage which is on the Bluestem Dr. (west) elevation will utilize the frontage of 152.61' to determine sign allotment. Signage which is on the Veteran's Blvd. (north and east) elevations will utilize the frontage of 167.87' to determine sign allotment.
2. A Signed Conditional Use Permit Agreement which outlines these details is received.

There were no comments from the public. The hearing was closed.

Commissioner Kolb asked how sign allotment is calculated. Tim stated that the largest of the lot frontage, times 2 for total square footage. Essentially use the larger of the two for total allotment; however, it's being doubled, as it's a double frontage lot and only one side is visible at a time.

Discussion was held regarding multi-tenant buildings. Tim indicated there may be a request for a similar building to the north near Taco Bell.

Commissioner Diamond made a motion for approval based on staff recommendations. Commissioner Kolb seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-41 Planned Unit Development Amendment for an office building at 705 13th Avenue East (Lot 1, Block 1 of KASS 1st Addition), City of West Fargo, North Dakota.

Tim reviewed the following:

Applicant intends to construct a two-story 15,000 ft² office building on a vacant property. The site plan includes 83 parking stalls. The City Off-Street Parking regulations found in 4-450 of the City Ordinances would require 75 spaces based on the square feet of the proposed office building. There are significant encroachments occurring on the southwest portion of the lot from the adjacent residential properties. The encroachments will need to be removed prior to development.

Signs would be subject to the provisions of the City sign regulations and will require permitting at time of installation. It may be appropriate as well to consider the provisions of C-OP: Commercial Office Park district standards as the guiding standard for a sign at this location given it is within the Office Park land use category.

The City's landscaping standards will require a buffer yard between the property and the residential uses in the southwest portion of the lot. Either under these guidelines they would have the option of providing a 15' buffer yard with a 6' architectural screen with alternating small evergreen and deciduous trees OR a 30' buffer yard with alternating small evergreen and deciduous trees with one row of shrubs. The property would utilize Prairie Parkway with an existing approved access location to be shared with the currently vacant property to the south.

Property owners within 150' and applicable agencies and departments were notified. A neighbor to the southwest called to

express concern over the proximity of the trash collection and parking with the homes to the west. They are hoping to work with the applicant to find the best option for what the buffer, parking, and trash placement may look like in this area. Staff has inquired with the sanitation manager on the most appropriate placement of the trash collection. His thoughts are to move it south to provide for easier access for trash pickup and to provide adequate size for recycling and trash. This should be coordinated prior to permitting. A call was also received from a representative for the property to the west indicating that they haven't worked out an access agreement yet, although it's not necessary for approval of this project.

The proposed PUD Amendment is consistent with the City's Land Use Plan, which depicts the area developing as Office Park. It is recommended that the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Buffer yard and trash collection be considered in coordination with adjacent neighbors and sanitation manager prior to permitting and included in PUD agreement if necessary.
2. Signage would be subject to the provisions of the C-OP: Commercial Office Park zoning district regulations.
3. Development will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
4. A signed PUD Agreement is received.

Chair McDougall asked about the encroachments, buffer yard and trash collection. Tim indicated an adjacent property owner stated concern with trash in their back yard.

Joe Williams 1357 7 ½ Street East, stated that he was the property owner who called. Originally he was okay with landscaping until the property was staked out and he noticed how close it would be to his house. He would like to see a maintenance free fence. He had spoken with the builder, but he wondered how far the fence would go as there are separate property owners to the southeast (Sanford) and he would also prefer an 8' fence rather than a 6'.

There were no other comments from the public. The hearing was closed.

Commissioner Kolb stated that this site has been reviewed before. Tim stated that Casey's was interested in the site, which would have required a land use plan amendment from office park to general commercial.

Tim reviewed the site plan showing the 15' buffer yard. There would be a fence at the property line, then a buffer yard with alternating trees. This would be versus a 30' buffer with no fence.

Discussion was held regarding the fence and possibly the feeling of boxing in the residents. Mr. Williams stated that he spoke with the builder about an easement where the property owners would maintain (mow) the area.

Builder Trevor Deyo stated that they'd be willing to work out a shared easement and discussed if they pushed back off the property line, how would the City see the buffer. Tim stated that if the fence is pushed over, they'd still need landscaping. Discussion was held regarding trees and fencing, possibly selling some property to the property owners to the west. Commissioner Kolb asked about adding some sort of agreement to fence or alternative in the motion. Tim stated he has a difficult time leaving it up to staff and property owners. Staff has only spoken to Mr. Williams.

Mr. Williams stated that they already have the bar to the west of them cutting them off and now the office building to the back. Tim stated that the use for the PUD is defined as office park, it can't be changed to fast food, etc.

Mr. Deyo stated that he's not sure what more they can do. They're willing to move the trash collection site, which will be screened anyway. They also have the option to have a 30' buffer and no fence.

Commissioner LeBahn asked how Mr. Williams felt about the 30' buffer vs. a fence. Mr. Williams stated that he now thinks the fence would look odd. Mr. Deyo stated it's more cost effective for them to have a 30' buffer than a solid fence with 15' buffer.

Commissioner Brownlee made a motion to approve the PUD Amendment subject to the four conditions listed in the staff report with an amendment to item one for a 30' buffer yard and relocating the trash collection site. Commissioner Reinke seconded the motion. No opposition. Motion carried.

Chair McDougall opened public hearing A16-42 Nelson Acres 6th Addition, replat of Lot 2, Block 1 of Nelson Acres 4th

Addition City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is proposing to split a previously subdivided lot into two. There is an existing single family dwelling on proposed Lot 2. Lot 1 is intended to be developed as a retention pond due to regional road improvements along 40th Ave W. The lot will be owned by the City. Zoning on the retention pond lot should be changed to P: Public at the next adoption of an Official City Zoning Map.

The proposed application is consistent with the City plans and ordinances. It is recommended the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. A revised drainage plan is received and approved by the City Engineer.
2. An Attorney Title Opinion to the City of West Fargo is received.
3. Signed Final Plat is received with any necessary easements.

Dustin Scott stated that with 40th Avenue and Sheyenne Street reconstruction, this would provide retention ponds and storm lift drainage. There were no comments from the public. The hearing was closed.

Commissioner Kolb made a motion for approval based on the recommendations listed in the staff report. Commissioner Diamond seconded the motion. No opposition. Motion carried.

The next item on the agenda was A16-43 Oakwood Bend 2nd Addition, a retracement plat of Lot 9 and 10, Block 1 of Oakwood Bend 1st Addition, City of West Fargo, North Dakota.

Tim reviewed the following:

The applicant is proposing to combine two previously subdivided lots into one to construct a single family dwelling. Property owners wishing to combine properties which have been previously platted for the purpose of building across lot lines and/or increasing lot area to address district requirements may submit a retracement plat provided the following conditions are met:

1. No additional right-of-way is required or being established.
2. There is no proposed or perceived need of public improvements as a result of the combining of platted lots.
3. Lots to be combined are contiguous and under common ownership.

The proposed retracement plat will not affect the property or use. The retracement plat will be given a subdivision name with a lot and block number, which will be of benefit to the City and Cass County for administration purposes. With retracement plats there are no street right-of-way dedication or park dedication requirements. A public hearing is not required, though the applicant must plat the property according to the platting standards, and the plat must be reviewed by the Planning and Zoning Commission and City Commission

The proposed application is consistent with the City plans and ordinances. It is recommended the City approve the proposed application on the basis that it is consistent with City plans and ordinances with recommended conditions of approval as follows:

1. An Attorney Title Opinion to the City of West Fargo is received.
2. Signed Final Plat is received with any necessary easements.
3. A certificate is received showing taxes are current.
- 4.

Commissioner Brownlee made a motion for approval subject to the three conditions listed in the staff report. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

The next item on the agenda was Detailed Development Plans A16-35 Eagle Run Plaza 5th Addition.

Tim reviewed the following:

Detailed plans have been submitted for the proposed Lot 1, Block 2 which would house the School District Ice Hockey Arena. Plans show an approximate 70,000 ft² building which would house 2 separate ice hockey rinks. The main rink provides seating for 711 whereas the auxiliary rink provides seating for 407. The arena includes locker rooms, concessions, restrooms, mezzanine, a community room, etc. to support its primary use as an ice hockey facility. Staff has also received a preliminary plat and title opinion addressed to the City of West Fargo. The preliminary plat provides one large lot for development of the hockey rink and two more large lots which are expected to be developed in the future. The use of public access easements as was previously discussed is used in order to obtain as much efficiency as possible with this significant commercial land in the City. Maintenance of the public improvements within the easements will need to be detailed within separate easement documents as well as the PUD agreement.

Determining parking requirements for such a facility as previously expressed is a little difficult based on City code and similar regional facilities. City parking regulations refer to skating facilities, however this being intended for high school activities, there is an expectation that there will be increased spectators causing staff and the applicant to consider the seating capacity rather than using the building area for developing an adequate parking capacity. Sports arenas would require 1 space per 5 seats based on maximum capacity. Based on the maximum seating capacity of the rinks combined, the City would require 224 parking spaces if using the sports arena land use found in 4-450. Their initial development would likely provide for 313 parking spaces in the main lot, with a western lot shown in the plans as an option which would provide 417 parking spaces total. The applicant has noted in their submittal that the existing Vets arena uses approximately 300 spaces with a seating capacity of approximately 1,000. Although these are approximate numbers, using this calculation would provide a total demand of 335 parking spaces. Having the west lot available for overflow with the ability for the City to require it to be developed may be the appropriate recommendation to avoid over-building parking in this area, but still leaving the flexibility to expand if necessary.

The exterior of the south building elevation which would front 32nd Ave W is composed of 13% "Kalwall", which has been determined to be a polymer reinforced with fiber, 57% brick/glass/composite materials, and 30% metal panels. The east elevation which would front a public access is composed of a mix of materials including "Kalwall", Glass, and Composite to reach 27% on their base bid and 35% with alternatives chosen, and metal panel which is at 73% on their base bid and 65% on their alternate. The west elevation which would front a public access is composed of 100% metal panel. The north elevation which would front a public access is composed of 100% metal panel. It is important to note that had this development occurred without the vacation of 6th Street that all four sides would have been required to be faced with 70% non-metal materials under the CO: Corridor Overlay district standards as all four sides would have fronted on a public street. The PUD along with the City's acceptance of the street vacation would allow the proposed building materials to be compliant with the CO district standards. Although the building would be in compliance, it may be appropriate to ensure such items as utilities and loading areas be screened, and that large views of the metal structure on the west and/or north elevations that are visible from public streets include landscaping to increase the aesthetics of the building along the corridor.

If the Commission determines that the project meets the goals of the comprehensive plan as expressed during the conceptual plan review and outlined under the heading "Consistency with Comprehensive Plan and Other Applicable City Plans and Ordinances" on page 3 of the staff report, and that the detailed development plans meet the intent of the Corridor Overlay District, staff believes the proposed project would be consistent with City Plans and Ordinances.

Staff would recommend approval of the application on the basis that if the Commission determines that the goals of the Comprehensive Plan as outlined in the staff report and the intent of the Corridor Overlay district are met that the application would be consistent with City plans and ordinances with recommended conditions of approval as follows:

1. Applicant agrees to pave western lot as shown on site plans if deemed necessary by the City Commission as presented by Planning Staff.
2. Landscaping and/or screening is used for utilities, trash collection, loading, and other such uses where visible from public streets.
3. North and west elevations include landscaping to break up metal exterior.
4. A drainage plan is submitted and approved by the City Engineer.
5. Development will be subject, but not limited to CO: Corridor Overlay, 4-440 Supplementary District Regulations, 4-450 Off-Street Parking and Loading Requirements, and 4-460 Sign Regulations.
6. A signed PUD agreement is received.
7. A signed subdivision improvement agreement is received.
8. A signed Final Plat is received with any necessary easements.
9. A certificate is received showing taxes are current.

Tim also stated that a traffic study regarding access to the site via 32nd Avenue and Sheyenne was submitted last week and the City Staff needs an opportunity to review it. The study indicates a three quarter access could be warranted at 5th Street West and a full access at 6th Street with possible signalization; however, there are concerns with access points along Sheyenne Street, which warrant a closer look by the City Engineer.

Architect Lee Dobrinz stated that after the July meeting, they looked at comments and adjusted the south elevation. He reviewed a rendering showing the lantern effect of the Kalwall, increased the amount of brick and Kalwall, and added a woodgrain laminate material. A presentation showing future development to the east was also shown.

West Fargo Schools Business Manager Mark Lemer stated that their original intent was to place the hockey facility further to the east; however, Economic Development Director Matt Marshall wanted to see more uses that are commercial. The school district plans to sell off the eastern part to allow for this. Because of this they're able to take advantage of on-site water retention, decreased right-of-way with the public access easements. Allow more flexibility, as well as meeting the goals and objectives of the City's Comprehensive Plan. They're looking to get a building permit.

Commissioner Reinke stated concerns with traffic. Tim stated that Dustin Scott and Matt Welle need to review the traffic impact study in closer detail. The consultant for the study is the same one as the Sheyenne Street Corridor study. Dustin reviewed access.

Discussion was held regarding area development. Mr. Dobrinz stated that future development is in early stages and because it's a PUD there will be opportunity for further review as development is proposed.

Commissioner LeBahn made a motion to approve the Detailed Development Plans subject to the nine conditions listed in the staff report. Commissioner Brownlee seconded the motion. No opposition. Motion carried.

The next item on the agenda was A16-44 Aboveground Fuel Tank Facility on Parcel in the N½ of Section 4, Mapleton Township, Cass County, North Dakota.

Tim stated that this was discussed at the last meeting. Larry prepared a staff report, to assign a number for better tracking.

The applicant is proposing rezoning and platting for construction of a liquid petroleum tank storage and pipeline facility north of I-94 and east of 165th Avenue SE, which is north of the Kindred I-94 Exit. The proposed subdivision being considered by Cass County and rezoning being considered by Mapleton Township are compatible with the City Plans and Ordinances.

It is recommended that the City support the proposed application on the basis that it compatible with City plans and ordinances with proposed recommendations as follows based on considerations given for a conditional use permit within the City's A: Agricultural District:

1. The subdivision provide for lots which are separated by the Quarter Section lines which follow the boundaries of authority.
2. The applicant provide for a roadway easement across the south side of Lot 1 to access Lot 2. The access easement should meet the standards of the County and Township.
3. The appropriate flood elevation information is provided on the subdivision plat.
4. The proposed fuel storage facility is entirely on Lot 1 with adequate separation from Lot 2.
5. The applicant provide ingress and egress to the property and proposed structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
6. The applicant provide off-street parking and loading areas where required, with particular attention to item 5 above and minimizing any detrimental effects to adjoining properties.
7. The applicant provide refuse and service areas, utilities, and screening/buffering from adjoining properties, including Lot 2.

Tim indicated the applicant is looking for concurrence. Chair McDougall called for a vote, no opposition.

Tim reminded commissioners of the NDPA meeting in Bismarck on September 15.

Dustin Scott indicated the proposed access onto 32nd Avenue West for Eagle Run Plaza 5th was not specifically mentioned during the approval of detailed development plans and asked for a motion.

Commissioner Brownlee made a motion for approval of the $\frac{3}{4}$ access at 5th Street West and 32nd Avenue West as per the City Engineer's recommendation. Commissioner LeBahn seconded the motion. No opposition. Motion carried.

Commissioner Kolb made a motion to adjourn. Commissioner Reinke seconded the motion. Meeting adjourned.